761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: December 22, 2005

FILE NO.: SH2117436

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER
ROBERT L. BINKLEY, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY [redacted]

DEPUTY STEVEN LESPRON #[redacted]

On May 5, 2004, Deputies Lespron and [redacted] were on routine patrol in a patrol vehicle when they observed the suspect jogging east on the south sidewalk of 102 nd Street approaching Budlong Avenue. Deputy Lespron noted that as the suspect jogged, he was grabbing at a bulging area on his right thigh, as if attempting to hold something in place. Deputy Lespron was bringing their patrol vehicle to a stop in order to contact the jogger when Deputy [redacted] observed a handgun emerging from the suspect's lower-right trouser leg. The suspect looked back at the deputies, who were now exiting their vehicle, and began to run while holding onto his lower-right leg, as if trying to either keep the gun from falling or to retrieve the gun itself. The deputies pursued on foot. Deputy Lespron ordered the suspect to show his hands and Deputy [redacted] ordered the suspect to drop the gun. The suspect continued running and turned south on Budlong Avenue from 102nd Street. Shortly after negotiating the turn, the suspect retrieved the handgun with his right hand and pointed it at Deputy [redacted] who was now within 20 feet of him. Fearing that the suspect was about to shoot at Deputy [redacted] both deputies fired their weapons, striking him. Deputy [redacted] fired three 9mm rounds and Deputy Lespron fired two 9mm rounds. The suspect, who sustained multiple gunshot wounds to the upper torso, was transported to Centinella Hospital where he was pronounced dead. The deputies were not injured in this incident. The suspect's handgun, a loader Ruger, .45 caliber semiautomatic pistol, along with an extra magazine loaded with eight rounds were recovered from the scene.

On December 22, 2005, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.30: Use of Firearms and Deadly Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, MMP § 3-01/025.30: Use of Firearms and Deadly Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputy in this incident were within Department Policy.

Johnny G. Jurado, Commander

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Officer Involved shooting Form SH2117436

Shooting Review Summary

Exhibits

Exhibit A	Homicide book, file # 004-04508-0372-013
Exhibit B	District Attorny's letter of opinion dated January 18, 2005.
Exhibit C	Crime scene diagrams

Miscellaneous Documents

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 05-05-04	Bureau/Station/Facility: FOR-2/ LENNOX STATION	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 004-04508-0372-013	Date: 05-05-04 Time: 0911 Hours
City or Station: Lennox Station	Nature of Incident: Deputies observe Suspect Slater jogging east on 102nd. Deputies order the suspect to stop, then see a handgun fall from the suspect's lower pant leg. The suspect picks up the gun and points it at the deputies. Both deputies fire their weapons striking Suspect Slater in the upper torso.
Location: [redacted] South Budlong Avenue Los Angeles	

Location Type (circle one or more): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

Lighting (circle only one): Darkness, **Daylight** (circled), Other, Street Lights

Weather (circle only one): **Clear** (circled), Cloudy, Fog, Rain

Distance: 5 -10 Feet

Incident Type (circle one or more): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (circle only one): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☐	Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Carter	D		EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty
[redacted]	Viramontes	Jorge		EM PM **Day** (circled)	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more)
[redacted]	Reyes	Alfred		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Anderson	Kristen	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Myers	Richard	

PSTD Use Only

SH # 2117436

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 004-04508-0372-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05-05-04	1030 Hours	12/7/2005	

Employee #	Last Name	First Name	M.I
[redacted]	Sutton	Wes	M.
[redacted]	Berg	Michael	
[redacted]	Seno	Bennett	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	ZZ	45	N	N	NN	
E#1	S#1	FH	BR	9	Y	Y	DH	BK
S#1	E#2	FH	ZZ	45	N	N	NN	
E#2	S#1	FH	BR	9	Y	Y	DH	BK

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 004-04508-0372-013

Involved Employee

E 1

Employee # [redacted]	Last Name LESPRON	First Name STEVEN	M.I.
Sex: M Race: W	Rank DEPUTY	Unit Assignment: Lennox Station	Work Assignment (Unit #, Module, etc.): 31B
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6-7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 508	Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: H	Rank DEPUTY	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM PM [redacted]	ShiftType (*circle only one*): [redacted]vertime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 6-7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 511	Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 004-04508-0372-013

Suspect Information

S 1

Last Name SLATER		First Name DWIGHT	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: Black	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: 25 D.O.B. 12-20-78	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case # 2004-03495	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make		Model:	Year:

See Other Side

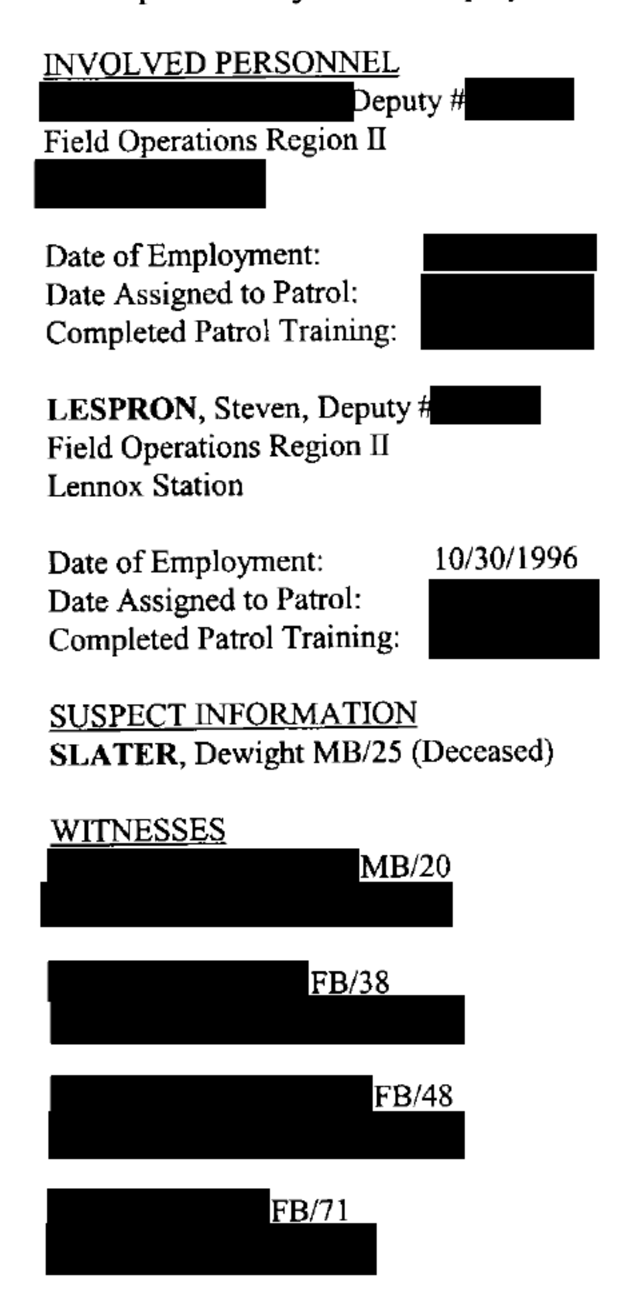
SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
		[redacted]				
		D.				

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING - HIT
IAB #SH 2117436
URN #004-04508-0372-013

On Wednesday, May 5, 2005, Sergeants Wes Sutton and Michael Berg of the Internal Affairs Bureau responded to [redacted] Budlong Avenue, Los Angeles regarding a deputy involved hit shooting. Internal Affairs bureau Lieutenant Ben Seno also responded. Stephen Connley of the Office of Independent Review, Bruce Lang and Anthony Haynes of Risk Management Bureau also responded and joined the inquiry.



INVOLVED PERSONNEL
[redacted] Deputy #[redacted]
Field Operations Region II
[redacted]

Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]

LESPRON, Steven, Deputy #[redacted]
Field Operations Region II
Lennox Station

Date of Employment: 10/30/1996
Date Assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]

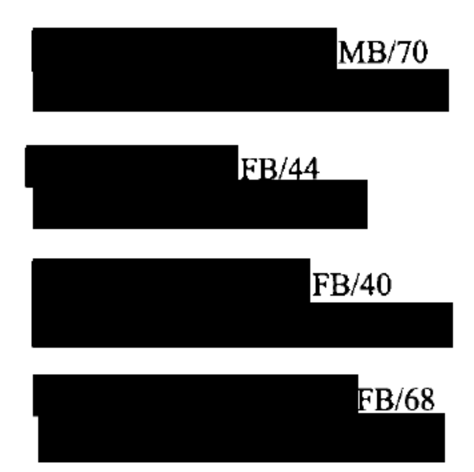
SUSPECT INFORMATION
SLATER, Dewight MB/25 (Deceased)

WITNESSES
[redacted] MB/20
[redacted]

[redacted] FB/38
[redacted]

[redacted] FB/48
[redacted]

[redacted] FB/71
[redacted]


[redacted]MB/70
[redacted]

[redacted]FB/44
[redacted]

[redacted]FB/40
[redacted]

[redacted]FB/68
[redacted]

INJURIES

Suspect Slater died as a result of a gunshot wound to the abdomen. Suspect Slater had a total of six gunshot wounds to his body. His cause of death was ruled a homicide by the Coroner's Office. There were no injuries sustained by Sheriff's Department personnel.

PHYSICAL EVIDENCE

Refer to pages 93-106 of the Homicide book (Exhibit A).

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted]ired three (3) 9mm rounds for his duty weapon, Beretta 92FS (BER[redacted]). Three 9mm cartridge casings were recovered from the front lawn of [redacted] South Budlong Avenue and are believed to have been fired from his weapon. Two of the rounds fired by Deputy Alvarado were recovered from the suspect's body by the Coroners office. An expended fragment was recovered from a cement driveway across the street from [redacted] South Budlong and is also believed to have been fired from Deputy [redacted] gun.

Prior to the date of the shooting, Deputy [redacted]ast qualified with his duty weapon on [redacted] He last attended Laser Village training on [redacted]

Deputy Steven Lespron fired two (2) 9mm rounds for his duty weapon, Beretta 92F (BER[redacted]Z). Two 9mm cartridge casings were recovered from the roadway of Budlong Avenue across from [redacted] South Budlong Avenue and are believed to have been fired from Deputy Lespron's gun. One round fired from Deputy Lespron's gun was recovered from the suspect body by the Coroner's office.

Deputy Lespron last qualified with his duty weapon on [redacted] He last attended Laser village training on [redacted]

WEAPON USED BY THE SUSPECT

A .45 Caliber semiautomatic Ruger P97DC was recovered at the scene. The firearm was loaded with eight .45 caliber rounds. The suspects weapon was not fired during this incident.

PROPERTY DAMAGE
None

CRIMINAL INVESTIGATOR/ CHARGES FILED
No charges filed due to suspect being deceased.

LIGHTING AND WEATHER CONDITIONS
The shooting occurred on a clear day during daylight hours.

INVOLVED EMPLOYEE'S STATEMENTS
Deputy [redacted] said that on the date of the incident he was working unit 31B on day shift with Deputy Steve Lespron. Deputy [redacted] said that he was the bookman and Deputy Lespron was driving. Deputy [redacted] said he and Deputy Lespron were traveling east on 102nd Street approaching Budlong Avenue when he saw Suspect Slater jogging east on the south side of 102nd Street. Deputy [redacted] estimated that Suspect Slater was approximately 150 feet away when he [redacted] first observed him (Slater). Deputy [redacted] believed that Suspect Slater may have been aware of their presence and attempting to avoid them, however, he did not believe he was running from them at that point. Deputy [redacted] noticed that Suspect Slater was bending over and appeared to be adjusting something along his right pant leg as he continued jogging. Deputy [redacted] said that as they pulled along side Suspect Slater he saw what he recognized to be a gun barrel protruding from the bottom of his right pant leg. Deputy [redacted] said that he told his partner that Suspect Slater had a gun. He said that Deputy Lespron stopped the vehicle, they exited and drew their weapons. Deputy [redacted] said they ordered Suspect Slater to stop and drop the weapon but he failed to comply. Deputy [redacted] said Suspect Slater grasped the gun, which was still entangled with his pant leg, pulled it up towards his knees and began running. He said as Suspect Slater rounded the corner southbound onto Budlong Avenue he (Slater) freed the gun from his pant leg with his right hand and began pointing the gun up towards him [redacted]. Deputy [redacted] said he knew Suspect Slater was about to shoot him so he fired two or three rounds from his duty weapon.

Deputy [redacted] said that the suspect was approximately five feet away from him at the time he fired his weapon. He said that he had a clear street with no pedestrians or vehicles in his backdrop. Deputy [redacted] estimated that they traveled approximately 15 yards from the time they exited their patrol vehicle until he reached the point where he fired at Suspect Slater.

Deputy Steven Lespron said that on the day of the incident he was working day shift with his regular partner Deputy [redacted] Deputy Lespron said that he was driving east on 102nd Street approaching Budlong Avenue when he saw Suspect Slater jogging on the south side of 102nd Street heading east. Deputy Lespron said that it did not appear that Suspect Slater noticed them. Deputy Lespron said as they got closer he noticed that Suspect Slater was reaching for his leg or waist as he was jogging. He said Suspect Slater looked back at them and appeared to be startled and then ran towards Budlong Avenue. Deputy Lespron said that he noticed that Suspect Slater's

hands were now sliding down his leg and that he was sort of hopping along. Deputy Lespron said Deputy [redacted] informed him that Suspect Slater had a gun. Deputy Lespron said he put the vehicle in park and he and Deputy [redacted] exited the vehicle. He said they pursued the suspect for 15 to 20 feet until they reached the corner of 102nd Street and Budlong Avenue. Deputy Lespron said that he continuously ordered Suspect Slater to show his hands and Deputy [redacted] was ordering him to drop the gun. Deputy Lespron said that he continued to order Suspect Slater to reveal his hands which were now at his ankle. Deputy Lespron said as Suspect Slater was crouching, he (Lespron) saw the barrel of the gun. Deputy Lespron said he saw Suspect Slater raising the barrel of the gun up towards his partner. Deputy Lespron said he believed the suspect was going to shoot at him and his partner so he fired two rounds from his department issued 9mm Baretta. Deputy Lespron said that Suspect Slater dropped his gun, which homicide later recovered, and that he also had a magazine in his possession, which he believes he (Slater) may have had in his left hand.

Deputy Lespron said that he was approximately 5 feet away from Deputy [redacted] and approximately 10 feet away from the suspect when he (Lespron) fired his weapon. Deputy Lespron said that he saw a brick fence and open street in his backdrop prior to firing. He said there were no pedestrians or moving vehicles in his backdrop. Deputy Lespron said that approximately 20 seconds elapsed between the time he first saw the suspect and the point at which he fired his weapon. Deputy Lespron estimated that he traveled approxmately 20 feet form his patrol vehicle to the point at which he fired at Suspect Slater.

WITNESS STATEMENTS

[redacted] said that she was watering the lawn in her front yard when she heard voices saying, "Get down, get down." She said that the voices were followed by gunshots. Witness [redacted] said that she looked in the direction the shooting came from and saw two uniformed deputies standing near a patrol car behind the suspect. She said that she saw the suspect crouching down with his hands almost to the ground and possibly reaching for something. She said that the suspect was running in the crouched down position and facing away from the deputies. Witness [redacted] said that she heard the deputies fire four to five additional rounds. She said that she saw the suspect go down to the grass by the sidewalk. Witness [redacted] said that she did not see what led to the shooting or the actions of the suspect prior to the shooting.

[redacted] said that while she was in the kitchen of her residence when she heard a man's voice say, "Stop, stop, don't move."She said that she also heard two gunshots. W/[redacted] said that she went out to her front yard after her [redacted] W/[redacted] told her someone was down. Witness [redacted] said that she saw one of the deputies standing near the suspect and the other near the corner of 102nd Street and Budlong Avenue. She said that the deputies told her to go into her home once they noticed her.

[redacted] said that she was lying in her bed when she heard three gunshots. She said that she went outside with her son W/[redacted] and her [redacted] W/[redacted] W/[redacted] said that

she saw the suspect lying on the ground moving his hands and the deputies standing near him with their guns drawn. Witness [redacted] said the deputies told her to return to her residence and she complied.

[redacted] told investigators that he was lying in bed when he heard gunshots. He said that he heard two gunshots followed by two additional gunshots. W/[redacted] said he looked out his window and saw two uniformed deputies pointing their guns in a downward position as if someone was on the ground. W/[redacted] said that he went outside and saw the the suspect lying on the ground. He said that he recognized the suspect and also observed that the suspect was lying on his stomach and still breathing. The deputies told W/[redacted] to go go inside his residence and he complied. Once inside W/[redacted] observed from inside his home as additional deputy personnel arrived on scene.

[redacted] said that she was inside her residence when she heard two shots and then four additional shot after a slight pause. Witness [redacted] said that she rushed outside and saw two deputies wearing green jackets pointing their guns at the suspect, who was lying on the ground convulsing.

[redacted] said that she was walking in her front yard when she heard two gunshots. She said that she paused momentarily and then heard four additional gunshots. Witness [redacted] said she turned and walked east towards the fence. She said that she saw the suspect lying on the ground and two deputies pointing their guns at him.

[redacted] said that she heard gunshots but she did not see the shooting. She said that she went outside and saw the suspect lying on the ground and observed as additional deputies arrived on scene.

[redacted] said that he heard five to six gunshots while shopping inside the "Budlong Market."Witness [redacted] said that he exited the market but did not see the deputies nor the suspect.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
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January 18, 2005

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 04-0406
L.A.S.D. File # 004-04508-0372-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 5, 2004, fatal shooting of Dwight La Vincent Slater by Los Angeles County Sheriff's Deputies Steven Lespron and [redacted]. It is our conclusion that the deputies acted in lawful self-defense.

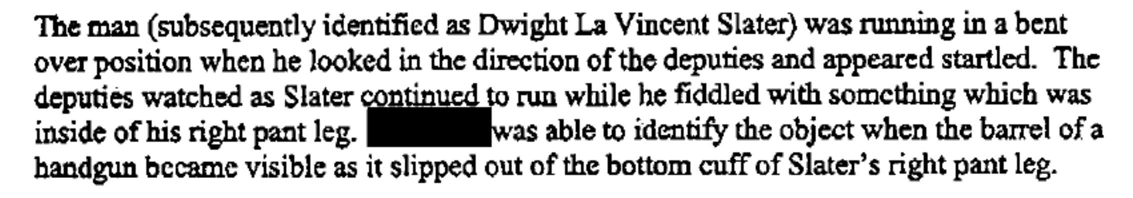
The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detective Dameron Peyton, LASD Homicide Bureau, on November 4, 2004. The District Attorney's Command Post was notified of the shooting on Wednesday, May 5, 2004, at approximately 10:25 a.m. Deputy District Attorney Christina Fleming Buckley and District Attorney Senior Investigator [redacted] responded and were given a briefing and a walk-through of the shooting scene. District Attorney personnel also participated in interviews of civilian witnesses.

Deputies Lespron and [redacted] each gave a voluntary statement to investigators and those statements were considered as part of this analysis.

FACTUAL ANALYSIS

On May 5, 2004 at approximately 9:00 a.m., Deputies Lespron and [redacted] were on patrol traveling eastbound on 102nd Street west of Budlong Avenue. The area is an active gang area known for heavy narcotic trafficking. Deputy [redacted] was the passenger in a marked black and white patrol vehicle which was being driven by Deputy Lespron. As they approached Budlong Avenue, both deputies saw a man jogging eastbound on the south sidewalk of 102nd Street.

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The man (subsequently identified as Dwight La Vincent Slater) was running in a bent over position when he looked in the direction of the deputies and appeared startled. The deputies watched as Slater continued to run while he fiddled with something which was inside of his right pant leg. [redacted] was able to identify the object when the barrel of a handgun became visible as it slipped out of the bottom cuff of Slater's right pant leg.

As soon as [redacted] recognized the object as a gun he advised Deputy Lespron. Lespron stopped the patrol car and they both got out. Lespron also saw the barrel of the gun protruding from the bottom of Slater's pant leg as he rounded the corner from 102nd Street to Budlong Avenue. [redacted] drew his gun and ordered Slater to stop. Slater ignored the command and began to run faster as he continued to grab at the gun which was slipping out of his cuff. A short foot pursuit occurred during which Lespron ordered Slater to show his hands. After Slater had turned southbound onto Budlong Avenue he was able to manipulate the gun in his right hand so that he was holding it by its handle. He then turned his head and looked directly into [redacted] eyes.

[redacted] and Lespron were both dressed in class A deputy sheriff's uniforms. [redacted] watched as Slater pointed the gun behind him toward [redacted] Slater lifted the gun in such a way that even though the gun was upside down, the barrel was pointed at the lower half of [redacted] body. [redacted] saw that Slater's finger was in the area of the gun's trigger. [redacted] believed that Slater was preparing to shoot him and fired his duty weapon at Slater three times.

Lespron also saw Slater raise the barrel of the gun in [redacted] direction. Lespron believed that Slater was preparing to shoot him and [redacted] As a result, he fired his duty weapon at Slater two times.

After the shots were fired, Slater dropped his gun and fell to the ground. As he fell, he also dropped a gun magazine. Paramedics were summoned to the scene and Slater was transported to Centinela Hospital where he was pronounced dead at 10:22 a.m.

Slater's weapon was a .45 caliber Sturm Ruger. It had 8 live rounds in the attached magazine and no round in the chamber. The second magazine also contained 8 live rounds. In his pocket he had $707.00 and a clear plastic baggie containing marijuana.

Los Angeles County Deputy Medical Examiner Lewis A. Pena, M.D., performed Slater's autopsy on May 6, 2004. Slater had a total of six gunshot wounds. He sustained a fatal gunshot wound to the right lower back which was right to left, back to front, and upward. A second potentially life threatening wound was a through and through wound to the right thigh. This wound was right to left, back to front, and downward. A third, non-fatal wound was a through and through wound to the right lower abdomen. This wound was right to left. The fourth, non-fatal wound was to the right abdomen, right to left, and upward. The fifth non-fatal wound was to the right lateral torso and was right to left, back to front, and upward. The sixth wound was also non-fatal. It was a through and

through wound to the right thigh. It was right to left, back to front, and upward.[1] The toxicology report revealed that Slater's blood tested positive for the presence of alcohol, cocaine, and marijuana.

Dr. Pena opined that the location of the wounds could be explained by the fact that the deceased was bending and turning at the time he was shot. He ascribed the cause of death to be "gunshot wound of the abdomen." However, during a phone conversation on December 28, 2004, Dr. Pena was asked whether he could explain how the deceased sustained six gunshot wounds when the deputies only fired five rounds. Dr. Pena indicated that he is unable to draw any conclusion regarding any possible re-entry wounds.

Numerous neighborhood residents were interviewed and reported hearing anywhere from two to seven shots. None of the witnesses saw the shooting with two possible exceptions. The first was [redacted] Ms. [redacted] age 71, was in her front yard watering the grass when she heard deputies yelling, "Get down! Get down!" The voices were followed by gun shots. She looked directly across the street and saw two deputies standing approximately 15 feet away from Slater who was bent over with his hands out toward the ground, possibly reaching for something. Slater looked as if he was in a running position and was about to run. Ms. [redacted] then heard 4 to 5 additional shots before Slater fell face-down to the ground.

[redacted] was the second witness who reportedly saw some portion of the shooting. Ms. [redacted] age 40, told Deputy Karen Dearborn that she was inside of her residence located at [redacted] when she heard two gunshots. She looked out her front door and saw two deputies at the corner of 102nd Street and Budlong Avenue. The shooting occurred on the corner in front of [redacted] Budlong Avenue. Her view was obstructed by a large van parked in her driveway. However, she could see the deputies were pointing their guns at something on the ground. She heard the deputies yell at the person on the ground to not move. She noticed that the "kid" on the ground was "bucking and moving around." She then heard four gunshots and saw both deputies fire at the person on the ground. [redacted] residence is approximately 65 feet from the corner.

Ms. [redacted] was later contacted by investigators and stated that she was in her home when she heard two gunshots. She immediately rushed outside and heard four additional gunshots. She looked down the street toward 102nd Street and saw two deputy sheriffs. Her view was obstructed by a van which was parked in the driveway so she could not see anyone else. It was not until she crossed the street that she was able to see Slater on the ground.[2]

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[1] It should be noted that the numbering of the wounds is for identification purposes only and does not define the order in which the wounds were received.

[2] Ms. [redacted] second interview was tape recorded. The first interview was not tape recorded.

CONCLUSION

The use of deadly force in self-defense or in the defense of another is permitted if it reasonably appears that the person claiming the right of self-defense, or the defense of another, actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 C.A.3d 731.

In protecting himself or another, a person may use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal (CALJIC) 5.30 and 5.32.

Initially, witness [redacted] reportedly told Deputy Dearborn that after Slater was on the ground the deputies fired four additional shots at him. The clear implication was that Slater was down, disabled, and not a threat when he was shot. However, [redacted] view was admittedly obstructed by a parked van and she could not actually see Slater. From her vantage point she could only see the deputies. Additionally, in a second taped statement her account was markedly different. She described hearing two gunshots while she was inside of her home. She rushed outside and immediately heard four more gunshots. She looked down the street and saw the deputies, however her view was obstructed by a van and it was not until she crossed the street that she could see Slater on the ground. It is also noteworthy that Westfield's account was not corroborated by Ms. [redacted] who was directly across the street from the shooting and was in a better position to have seen if the deputies fired four rounds at Slater after he was on the ground.

Deputies [redacted] and Lespron ordered Slater to stop and drop his weapon. Instead of complying with their instructions, Slater led them on a short foot pursuit as he attempted to gain control of the handgun which was slipping down his pant leg. Once he had control of the weapon, he made eye contact with Deputy [redacted] and pointed the gun behind him in [redacted] direction. Rather than risk detention by the deputies, who undoubtedly would have recovered the illegally concealed weapon, a large sum of money, and narcotics, Slater chose to flee. During his flight, be also made the decision to point a loaded .45 caliber handgun at Deputy [redacted] thereby threatening [redacted] life and that of his partner.

Under these circumstances, we conclude that the deputies acted lawfully in self-defense and in defense of each other. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By
CHRISTINA FLEMING BUCKLEY
Deputy District Attorney
(213) 974-4649

c: Deputy [redacted] #[redacted]
Deputy Steven Lespron, #[redacted]